HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

DIVISION BENCH

CORAM : **HON'BLE SHRI S.R. NAYAK, C.J.**
HON'BLE SHRI D.R. DESHMUKH, J.

M.A. NO. 105 OF 2006

APPELLANTS CLAIMANTS

1. Smt. Meena Bai,
W/o Late Shiv Prasad Sahu,
Aged about 35 years,

2. Jugesh Kumar, S/o Late Shiv Prasad Sahu, aged about 11 years,

3. Damin Sahu, D/o Late Shiv Prasad Sahu, aged about 8 years,

4. Prakash Sahu, S/o Late Shiv Prasad Sahu, aged about 5 years,
Minor Appellant No. 2 to 4 are represented by their Natural Guardian & Mother Smt. Meena Bai, Appellant No. 1
All R/o Village Pundhar, Thana Telibandha, District Raipur (C.G.)

Versus

RESPONDENTS

1. Okesh Kumar Pal,
S/o Udayram, aged about 24 years,
R/o Dharmnagar, Thana-Tikrapara, Raipur.
(Driver of the Vehicle Dumper bearing Regd. No. CG 04 G/2948)

2. Kishanchand Dembani,
S/o Mangaldas, aged about 45 years,
R/o New Rajendra Nagar, Raipur
(Owner of the Vehicle Dumper bearing Regd. No. CG 04 G/2948)

3. The New India insurance Company Limited, Through its Divisional Manager, Kutchery Chowk, Raipur.
(Insurer of the Vehicle Dumper bearing Regd. No. CG 04 G/2948)

4. Krishna Kumar Sahu, S/o. D.P. Sahu, Karbala Apartment, R.K.C., Raipur.

5. The Oriental Insurance Company Limited, Through its Divisional Manager, Kutchury Chowk, Raipur.

Present : Shri Satyendra Sahu, learned counsel for the appellants.

(ORAL ORDER)
(Passed on 14th February, 2006)

The following order of the Court was passed by

S.R. Nayak, C.J.

In this appeal, the only ground urged by learned counsel for the appellants while seeking more compensation is that the MACT is not justified in not awarding any compensation towards 'loss of estate' and 'loss of love and affection'. It is true that the MACT has not separately awarded any compensation towards loss of estate and loss of love and affection, but, we could see from the impugned award that the MACT has awarded a sum of Rs.25,000/- towards loss of consortium which seems to be on higher side. Deficiency of compensation in not awarding compensation towards loss of estate and loss of love and affection is made good by awarding more compensation towards loss of consortium. In that view of the matter, we are not inclined to entertain this appeal. The appeal is accordingly dismissed. No costs.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

subba